



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Cosgrove et al.
SERIAL NO : 10/670,009
FILED : September 24, 2003
TITLE : PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING
SAME

Grp./A.U. : 1645
Conf. No. : 4403
Docket No. : P04666US08

**PETITION UNDER 37 C.F.R. § 1.47(a) TO ACCEPT
FILING ON BEHALF OF NONSIGNING INVENTOR**

Commissioner for Patents
P.O. Box 1450
Mail Stop Missing Parts
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 CFR § 1.47(a) to accept filing on behalf of nonsigning inventor, JUN SHI. Dr. Shi cannot be found or reached after diligent effort.

Attached to this Petition is a Statement of Facts, made by persons having first-hand knowledge of the facts, with Exhibits 1-7. The last known home address of the inventor is:

09/21/2004 SSITHIB1 00000026 10670009

03 FC:1460

130.00 OP

=====

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

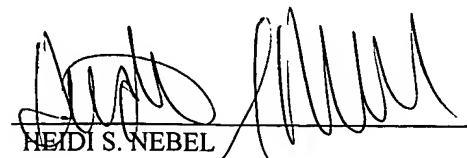
MAILING

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the
Mail Stop Missing Parts,
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Date: 10/01/04

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1645 at Fax No. (703) 872-9306.


HEIDI S. NEBEL

Dr. Jun Shi
236 E. Court
Wilmington, DE 19810

Also attached is the \$130.00 petition fee, pursuant to 37 CFR § 1.17(i).

If any additional fees are needed, please charge Deposit Account No. 26-0084.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- pw -

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : COSGROVE, Daniel, et al.
SERIAL NO : 10/670,009
FILED : September 24, 2003
TITLE : PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING
SAME

Grp./A.U. : 1645
Examiner :
Conf. No. : 4403
Docket No. : P04666US08

**DECLARATION FOR SIGNATURE BY JOINT INVENTORS ON BEHALF OF
NONSIGNING INVENTOR WHO CANNOT BE REACHED (37 CFR 1.47(a))**

Commissioner for Patents
P.O. Box 1450
Mail Stop Missing Parts
Alexandria, VA 22313-1450

Dear Sir:

I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of nonsigning inventor who cannot be found or reached: JUN SHI

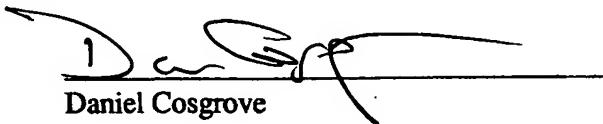
Last known address of nonsigning inventor: 236 E. Court, Wilmington, DE 19810

Accompanying this Declaration is:

- 1) Petition to Accept Declaration for Signature by Joint Inventors on Behalf of Nonsigning Inventor Who Cannot Be Reached (37 CFR 1.47(a));

- 2) A statement of facts in support of filing on behalf of non-signing inventor;
- 3) Petition fee of \$65.00.

Date: 11 June '04



Daniel Cosgrove

Date: _____

Simon McQueen-Mason

Date: _____

Mark J. Guiltinan

Date: _____

Tatyana Shcherban

- 2) A statement of facts in support of filing on behalf of non-signing inventor;
- 3) Petition fee of \$65.00.

Date: _____

Daniel Cosgrove



Simon McQueen-Mason

Date: 06/04/2004

Mark J. Guiltinan

Date: _____

Tatyana Shcherban

- 2) A statement of facts in support of filing on behalf of non-signing inventor;
- 3) Petition fee of \$65.00.

Date: _____

Daniel Cosgrove

Simon McQueen-Mason

Date: _____

Date: 6-4-04

Mark J. Guiltinan

Date: _____

Tatyana Shcherban

- 2) A statement of facts in support of filing on behalf of non-signing inventor;
- 3) Petition fee of \$65.00.

Date: _____
Daniel Cosgrove

Date: _____
Simon McQueen-Mason

Date: _____
Mark J. Guiltinan

Date: 8. 19. 04 Tatyana Shcherban
Tatyana Shcherban

MCKEE, VOORHEES & SEASE, PLC



Email:nebel@ipmvs.com
October 9, 2003

BRUCE W. MCKEE*
MICHAEL G. VOORHEES*
EDMUND J. SEASE*
MARK D. HANSING*
KIRR M. HARTUNG*
HEIDI S. NEBEL*
WENDY K. MARSH*
JEFFREY D. HARTY
CHRISTINE LEBRON-DYKEMAN
R. SCOTT JOHNSON
JOHN D. GOODHUE*
STEVEN P. SMITH*
ANDREW L. TIPTON*
VINCENT S. EGOLF*
TONYA Y. BRADY
LILA A.T. AKRAD*

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Ruth Harpster
The Pennsylvania State University
Intellectual Property Office
113 Technology Center
200 Innovation Blvd.
University Park, PA 16802-7000

*PATENT LAWYER

*ADMITTED IN
CALIFORNIA ONLY

Re: Your Ref. 1390-CIP
Our Ref. P04666US08
Cosgrove et al.
PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME

Dear Ruth:

Enclosed please find the Declaration, Assignment and Power of Attorney documents for the above-identified application, prepared for the inventors' signatures. Please have the inventors sign and date the documents and return to us at your earliest convenience. Please do not hesitate to contact my office with any questions or concerns.

Very truly yours,


HEIDI S. NEBEL

HSN/cr
Enclosure

PENNSTATE



Ruth A. Harpster
Intellectual Property Assistant
Intellectual Property Office

The Pennsylvania State University
113 Technology Center
200 Innovation Blvd.
University Park, PA 16802-7000

Office: (814) 865-6277
Direct: (814) 863-7385
Fax: (814) 865-3591
E-mail: rah18@psu.edu
Website: www.ipo.psu.edu

February 16, 2004

Heidi S. Nebel, Esquire
McKee Voorhees & Sease, PLC
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

In Re: U.S. Patent Application Serial No. 10/670,009

Title: Purified Plant Expansin Proteins And DNA Encoding Same
Inventor: Cosgrove, et al.
Your Reference No. P763-00140
PSU Disclosure No. 94-1390/CIP

Dear Heidi:

Enclosed for your further handling please find the following:

1. Declaration for Utility Patent Application executed by Mark Guiltinan, Daniel Cosgrove, and Tatyana Shcherban;
2. Power of Attorney executed by Mark Guiltinan, Daniel Cosgrove, and Tatyana Shcherban; and
3. Assignments executed by Mark Guiltinan, Daniel Cosgrove, and Tatyana Shcherban.

Simon McQueen-Mason's documents were sent to you under separate cover on November 24, 2003. We are trying to locate a current address for Jun Shi who has left the University.

Please provide this office with copies of all communications to and from the Patent Office so our records are accurate at all times.

Thank you for your assistance with this matter.

Sincerely,

Ruth A. Harpster

Enclosures

Carole Rasmussen

From: Harpster, Ruth [rah18@psu.edu]
Sent: Monday, February 16, 2004 12:35 PM
To: Carole Rasmussen
Subject: U.S. Patent Appl. 10/670,009; PSU Disclosure No. 94-1390 (Cosgrove, et al.); Your Ref. P763-00140

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Carole:

I am forwarding to you via regular mail the Declaration, Assignment and Power of attorney for Dr. Cosgrove, Dr. Guiltinan and Tatyana Shcherban with regard to the above-referenced Patent Application. I forwarded Simon McQueen-Mason's documents to you on November 24, 2003. To date, we have been unsuccessful in obtaining Jun Shi's documents. We will continue our search for Jun Shi, but I was wondering if you would help by asking Dr. Cosgrove directly. Once we have located Jun Shi, I will be able to forward the documents. They have been returned, so I know the address we have in our system is incorrect.

Thank you.

Ruth

Ruth A. Harpster
Intellectual Property Assistant
The Pennsylvania State University
113 Technology Center
University Park, PA 16802-7000
General: (814) 865-6277
Direct: (814) 863-7385
Facsimile: (814) 865-3591
E-mail: rah18@psu.edu

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If you have received this communication in error, please notify us immediately by E-mail and delete the original message.*****

Carole Rasmussen

From: Mark Guiltinan [mjg9@psu.edu]
Sent: Tuesday, February 24, 2004 4:31 PM
To: Carole Rasmussen
Subject: Re: Patent application - PSU 1390-CIP - Cosgrove - PURIFIED PLANT E PROTEINS AND DNA ENCODING SAME XPANSIN

>Sorry I cannot help locate her but Dr. Cosgrove would be the most
>likely contact.
"Daniel Cosgrove" <dcosgrove@psu.edu>

Mark Guiltinan

ps I had a friend Jane Rasmussen who lived in Costa Mesa CA in the
70s.....any relation?

>Dr. Guiltinan,
>
>A continuation-in-part patent application was filed September 2003 on this
>above-identified application and we've acquired all of the signatures of the
>inventors for the documents except Jun Shi. We've been unable to locate Jun
>Shi and are asking you if you might possibly have any information on
>whereabouts.
>
>Thank you very much for your help.
>
>Carole
>Carole Rasmussen
>McKee, Voorhees & Sease
>801 Grand Avenue, Suite 3200
>Des Moines, Iowa 50309
>phone: 515-288-3667
>fax: 515-288-1338
>e-mail: rasmussen@ipmvs.com
>url: www.ipmvs.com
>
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>of McKee, Voorhees and Sease which may be confidential and/or legally
>privileged. These materials are intended only for the personal and
>confidential use of the addressee identified above. If you are not the
>intended recipient, you are hereby notified that any review, disclosure,
>copying, distribution or the taking of any action in reliance on the
>contents of this transmitted information is strictly prohibited. If you have
>received e-mail in error, please notify this firm. Thank you.

Carole Rasmussen

From: Daniel Cosgrove [dcosgrove@psu.edu]
Sent: Thursday, February 26, 2004 11:07 AM
To: Carole Rasmussen
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Hi Carole,

I've lost track of Jun Shi. Last I heard, she was at DuPont as a lab technician. That's the best I can do. dc

Daniel Cosgrove
Department of Biology
Penn State University
208 Mueller Lab
University Park, PA 16802
Tel (814) 863-3892
Fax (814) 865-9131
Email [dCosgrove@PSU.EDU](mailto:DCosgrove@PSU.EDU) <<mailto:DCosgrove@PSU.EDU>>
<http://www.bio.psu.edu/Faculty/Cosgrove/>
<http://www.bio.psu.edu/expansins/>

-----Original Message-----

From: Carole Rasmussen [mailto:rasmussen@ipmvs.com]
Sent: Thursday, February 26, 2004 11:33 AM
To: 'Daniel J. Cosgrove'
Subject: FW: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
- PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Dr. Cosgrove,

I've been told you are our best bet to get the address of Jun Shi. If you can give me any information to whereabouts I'd be very appreciate. If you don't know I'd also appreciate a response.

Thank you,
Carole

Carole Rasmussen assistant to Heidi S. Nebel
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

-----Original Message-----

From: Carole Rasmussen
Sent: Friday, February 20, 2004 9:24 AM
To: 'Daniel J. Cosgrove'
Cc: Heidi S Nebel
Subject: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Dr. Cosgrove,

Ruth Harpster has been acquiring all of the inventor's signatures for the assignment,

declaration and power of attorney documents for the above-identified application. She has been able to contact everyone except Jun Shi. Can you please give me an address or any information you might have to help locate Jun Shi? Thank you for your help.

Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com
url: www.ipmvs.com

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Carole Rasmussen

From: Harpster, Ruth [rah18@psu.edu]
Sent: Tuesday, March 02, 2004 12:45 PM
To: Carole Rasmussen
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Follow Up Flag: Follow up
Flag Status: Flagged

I sent a general e-mail to DuPont. No one has been able to locate this person. What happens if we cannot location him/her? Thanks!

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Ruth,

Please see the emails below re: Jun Shi. I can follow-up with DuPont if you would like. Do you know which DuPont location?

Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

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Daniel Cosgrove
Department of Biology
Penn State University
208 Mueller Lab
University Park, PA 16802
Tel (814) 863-3892
Fax (814) 865-9131
Email dCosgrove@PSU.EDU <mailto:dCosgrove@PSU.EDU>
<http://www.bio.psu.edu/Faculty/Cosgrove/>
<http://www.bio.psu.edu/expansins/>

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Sent: Thursday, February 26, 2004 11:33 AM
To: 'Daniel J. Cosgrove'
Subject: FW: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
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Carole Rasmussen assistant to Heidi S. Nebel
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

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Carole

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McKee, Voorhees & Sease
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Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com
url: www.ipmvs.com

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Carole Rasmussen

From: Harpster, Ruth [rah18@psu.edu]
Sent: Monday, May 24, 2004 7:54 AM
To: Carole Rasmussen
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Follow Up Flag: Follow up
Flag Status: Flagged

This is the address we were given after he left Penn State, so yes, it would be the most current one we have. Thanks!

-----Original Message-----

From: Carole Rasmussen [mailto:rasmussen@ipmvs.com]
Sent: Monday, May 24, 2004 8:50 AM
To: Harpster, Ruth
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Hi Ruth,

Do you know if your address is more current? The address I have is the address used in this application and the previous one.

Thanks,
Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

-----Original Message-----

From: Harpster, Ruth [mailto:rah18@psu.edu]
Sent: Monday, May 24, 2004 6:28 AM
To: Carole Rasmussen
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Hi Carole.

The last address we have is:

236 E. Court
Wilmington, DE 19810

We have no telephone number or e-mail address.

Thanks.

Ruth

-----Original Message-----

From: Carole Rasmussen [mailto:rasmussen@ipmvs.com]
Sent: Friday, May 21, 2004 9:59 AM
To: Harpster, Ruth

Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
- PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Ruth,

I want to verify inventor Jun Shi's last known address. Is the below address the same as what you have?

Jun Shi
1366 North Atherton Street
State College, Pennsylvania 16803

Thank you,
Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

-----Original Message-----

From: Harpster, Ruth [mailto:rah18@psu.edu]
Sent: Tuesday, May 18, 2004 6:57 AM
To: Carole Rasmussen
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
- PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Hi Carole.

We will look through our files to see if we saved the envelopes (I think we did). For some reason, when I sent the general e-mail via the DuPont website, a copy was not delivered to my inbox, so I have no proof that it was sent even though I know I sent it.

Thanks.

Ruth

-----Original Message-----

From: Carole Rasmussen [mailto:rasmussen@ipmvs.com]
Sent: Monday, May 17, 2004 4:33 PM
To: Harpster, Ruth
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
- PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Ruth,

We are preparing a response to the Patent Office concerning the "nonsigning inventor", Jun Shi for this above-identified application. It looks like we have to present our efforts in locating this inventor to the PTO. We need to have any information or documentation regarding any inquiries to her whereabouts that you have made. For example, can you let us know when you contacted DuPont, the phone number and the results of your inquiry, etc...

Also, can you please let me have Jun Shi's last known address. We will be mailing via certified mail a declaration to this address and when it is returned to us as undeliverable that will also be sent to the PTO.

Thank you,
Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

-----Original Message-----

From: Carole Rasmussen
Sent: Tuesday, March 16, 2004 9:53 AM
To: 'Harpster, Ruth'
Subject: RE: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove
- PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Ruth,

Heidi said there is a rather involved procedure if we can't get the signatures from an inventor. I will research this more and get back in touch with you on what our next step will need to be.

Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com

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Daniel Cosgrove
Department of Biology
Penn State University
208 Mueller Lab
University Park, PA 16802
Tel (814) 863-3892
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Email dCosgrove@PSU.EDU <mailto:dCosgrove@PSU.EDU>
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Carole

Carole Rasmussen assistant to Heidi S. Nebel
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Subject: U.S. Serial No. 10/670,009 - Your Ref. 94 - 1390 CIP - Cosgrove - PURIFIED PLANT EXPANSIN PROTEINS AND DNA ENCODING SAME - P046666US08

Dr. Cosgrove,

Ruth Harpster has been acquiring all of the inventor's signatures for the assignment, declaration and power of attorney documents for the above-identified application. She has

been able to contact everyone except Jun Shi. Can you please give me an address or any information you might have to help locate Jun Shi? Thank you for your help.

Carole

Carole Rasmussen
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
phone: 515-288-3667
fax: 515-288-1338
e-mail: rasmussen@ipmvs.com
url: www.ipmvs.com

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Email:nebel@ipmvs.com
May 21, 2004

VIA CERTIFIED MAIL

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Jun Shi
1366 Atherton Street
State College, Pennsylvania 16803

*PATENT LAWYER

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CALIFORNIA ONLY

Re: Patent Application
U.S. Serial No. 10/670,009
Inventor: Cosgrove et al.
Title: PURIFIED PLANT EXPANSIN PROTEINS AND DNA
ENCODING SAME
Penn State Ref. 1390-CIP
Our Ref. P04666US08

Dear Dr. Shi:

Enclosed please find a copy of the above-identified patent application mailed to the United States Patent and Trademark Office September 24, 2003. We filed the application without executed Declarations of the inventors. The Patent Office is now requesting us to furnish signed Declarations. Enclosed please find a Declaration prepared for your signature and date of execution. Please sign, date and fax to me at 515-288-1338 and mail the original to the address above. Please do not hesitate to contact my office with any questions or concerns regarding this matter.

Very truly yours,



HEIDI S. NEBEL

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cc: Ruth Harpster



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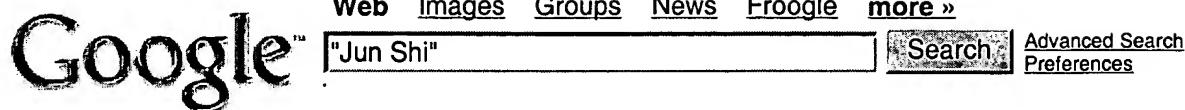
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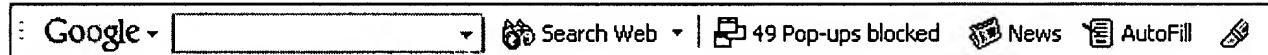
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Subject: Inquiry at DuPont.com about Employee Information

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DuPont Corporate Information Center

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